





Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0 4 19  
22 NOV 2004

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From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 496**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #496 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
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2486

12 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 496Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #5 of 17 August 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

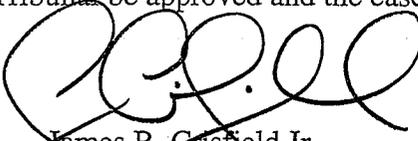
- a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, R-5, R-6, R-7, R-8, and R-9 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant. Furthermore, the Tribunal, on its own accord, sought additional information in order to answer a question they had regarding the potential membership of the detainee in a particular organization.<sup>1</sup> The additional information, classified Top Secret/SCI, answered the Tribunal's question and rendered the issue irrelevant. The additional TS/SCI information is not attached to the Tribunal's Decision Report but was not considered by the Tribunal in their determination that the detainee is properly classified as an enemy combatant. Since this was a collateral issue that ultimately was resolved in the detainee's favor, I do not view the Tribunal's handling of the matter as prejudicing the detainee in any way.
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # 496 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

<sup>1</sup> The details of this issue are classified Secret/NOFORN and are discussed in paragraph 2 of enclosure (2) of the Tribunal Decision Report.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 496

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Gusfield Jr.  
CDR JAGC, USN

UNCLASSIFIED



Department of Defense  
Director, Combatant Status Review Tribunals

17 Aug 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #5

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Air Force; President

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member  
(JAG)

[REDACTED] Lieutenant Commander, U.S. Navy; Member

A handwritten signature in cursive script, appearing to read "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

28 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 496

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].

A handwritten signature in black ink, appearing to read "D.L. Taylor", is written over the typed name.

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #5  

(U) ISN#:   496  

Ref: (a) (U) Convening Order for Tribunal #5 of 17 August 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

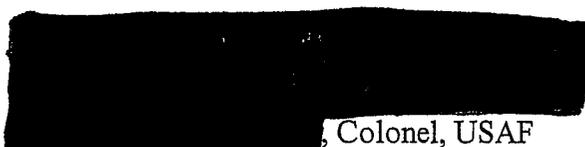
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S//NF)  
(3) (U) Summary of Detainee/Witness Testimony (U)  
(4) (U) Copies of Documentary Evidence Presented (S//NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 22 September 2004 and 24 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 24 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #496 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of the Taliban as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, USAF  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL: \_\_\_\_\_ #5  
ISN #: 496

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified summary of evidence presented to the Tribunal by the Recorder indicated that the detainee is a member of the Taliban. The summary of evidence stated that the detainee was a Taliban fighter. It is further alleged that the detainee worked for the Taliban government and was in charge of the Taliban Office of Intelligence, Division #2, located in Mazar-e-Sharif, Afghanistan. The summary of evidence stated that the detainee worked as the Chief of Intelligence for five to six months. The summary of evidence further alleges that the detainee participated in military operations against the coalition, was wounded in the wrist and shoulders, and was captured by General Dostum's Northern Alliance forces. The detainee chose to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and made an oral, sworn statement with the assistance of the Personal Representative. In his oral statement, the detainee stated that he worked for the Taliban, but only as a government official that oversaw the bakeries, oversaw the distribution of bread coupons and that he was responsible for investigating complaints. In the detainee's sworn testimony, he stated that his office was collocated with that of the Taliban Office of Intelligence, Division #2 and that he was not an intelligence officer nor chief of the office. The detainee testified that he was given a Taliban government job to work off debts that he owed to the commander of the intelligence office, a former business partner. The detainee testified that he received a house and car for his work as a government official and also from the generosity of the Taliban Intelligence Chief whom the detainee implied was his forced lover. The detainee denied being wounded by shrapnel or that he participated in combat operations as alleged by the summary of evidence. He further denied that he was a Taliban fighter, but confirmed that he worked for the Taliban government. After consideration of the unclassified and classified evidence, the Tribunal recessed to permit the recorder time to gather additional evidence requested by the Tribunal. The Tribunal President directed the Recorder to search Top Secret/SCI sources for more information regarding this detainee. The board reconvened on September 24,

2004, two days after the initial board, and reviewed additional classified evidence presented by the Recorder. After all matters were considered, the preponderance of evidence clearly showed that the detainee has been properly classified as an Enemy Combatant. The Tribunal President's evidentiary and witness rulings are explained below.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, D-b and R-1 through R-25
- b. Testimony of the following person: none.

### **4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses**

The Detainee requested no witnesses be produced for the hearing.

The Detainee requested no additional evidence be provided.

### **5. Discussion of Unclassified Evidence**

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 through R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 is a FBI Redaction Request and provided no usable evidence. Accordingly, the Tribunal had to rely on the detainee's sworn testimony and looked to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the detainee's sworn testimony. A summarized transcript of the detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the detainee testified that most accusations made against him alleging his status as an enemy combatant were false. He denied being a Taliban fighter, but confirmed that he worked for the Taliban government and denied being a Taliban intelligence Officer. During his sworn testimony the detainee stated that he was forced to travel from his farm home to Mazar-e-Sharif after his sandal peddling business had failed and soon became indebted to his business partner. The detainee's business partner, Aghe Jan, forced the detainee to sell his business and pay him the money he invested in the sandal business. Aghe Jan was also a Taliban customs agent for the Taliban government. When the detainee was unable to pay the full amount, Aghe Jan forced the detainee to work for him to pay the remainder of the

owed debt. Aghe Jan was subsequently transferred to Mazar-e-Sharif to take a position as the Taliban intelligence Chief at the Taliban Office of Intelligence, Division #2 located in Mazar-e-Sharif, Afghanistan. The detainee stated that he enjoyed a comfortable life working for Aghe Jan because the detainee was Aghe Jan's lover. The detainee was given a house, car and a job as a Taliban government official responsible for bakeries and other food distribution facilities. In his capacity as a government employee, the detainee's office was co-located with the Taliban Office of Intelligence and he worked out of this building. The detainee was given nice clothes, paid a decent salary, a home for him and his brothers, and a car for government business. The detainee denied that he was a Taliban fighter and that shrapnel wounded him. The detainee testified that he was betrayed by his another business partner after Mazar-e-Sharif fell to General Dostum's Northern Alliance troops and was subsequently handed over to the Americans because of lies told by his old business partner that was a leader in the Northern Alliance. The detainee stated that his old business partner fabricated the story of him being the Chief of Intelligence in Mazar-e-Sharif. Although the Tribunal did find the detainee's testimony regarding employment with the Taliban government interesting, the Tribunal turned to classified sources for further clarification.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

#### **6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

#### **7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The detainee understood the Tribunal proceedings. The detainee asked no questions regarding his rights and actively participated in the hearing.
- c. The detainee is properly classified as an enemy combatant. Specifically, he is a member of the Taliban.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



, Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

[While administering the Oath to the Personnel Representative, the detainee interrupted and stated that he didn't understand the wording used by the translator. The translator again described to the Detainee the swearing in process of the Tribunal team and the Personnel Representative.]

[When the Tribunal President stated for the Record that the Recorder, Reporter and Translator had previously been sworn, the detainee interrupted and asked what the Recorder was. The President asked the Translator to explain the role to the Detainee.]

When asked by the Tribunal President if the detainee understood the CSRT process, the detainee stated, "No I don't."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the Detainee answered: "I will see what you ask me, and according to that I will answer."

The Tribunal President asked the Detainee what parts of the Tribunal process did he not understand.

Detainee: "I am not literate and don't understand what you mean when you say 'process.' I need you to breakdown what you mean by process because I don't understand the word, I haven't gone to school."

Tribunal President: "If you have a question about the process as we go along you may ask it and we will answer it."

[The Detainee then asked the Translator to clarify what the Tribunal President meant about asking questions. The Translator explained to the Detainee that if during the Tribunal the Detainee had any questions, the Detainee could ask the question and the Tribunal President would answer the question.]

Detainee: "Okay."

The Tribunal President then asked if the detainee wanted to make a statement.

Detainee: "Yes."

The detainee then began giving his statement and testified essentially as follows:

Only one of the charges against me is the true. The others are not. If you say they are, show me the proof. [The Personnel Representative interrupted after the Detainee made his comment and stated, "I want to reiterate what we talked about in our

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interview. This Tribunal is the part where you can talk to the Tribunal members who have not talked to you yet.”]

Detainee: “I want to talk to the Tribunal members.” [The Personnel Representative told the Detainee: “This is not the time for asking questions or asking the Tribunal members to provide you with reasons, this is the time for you to provide the {information to} Tribunal members.”]

Detainee: “I understand, I am sorry that I am illiterate and don’t know. Sorry.”

Personnel Representative: “That is what I am here to help out with. Do you want to go through this point-by- point very quickly?”

Detainee: “Yes.”

Tribunal President (to the Detainee): “Let me clarify. This is the time you may talk to us if you want. You don’t have to say anything to us at all if you don’t want.

Detainee: “I want to talk.”

Tribunal President: “It’s totally up to you.”

[The Detainee then indicated he wanted to make his statement under oath and was sworn by the Recorder. He continued his statement essentially as follows]:

Before I start, I was never part of nor have I seen the Taliban. I told everything to my interrogator. I was a poor person in my country and I was running away from the Taliban. You stated I was protecting the Taliban and was working with them. Who has seen me working with them? I was nobody over there. It is hard for me to believe you have any witnesses that will say I worked for the Taliban. If you have someone who says I worked with the Taliban from that Region, then bring me that person. Secondly, I have never held any weapons in my hands or fought against anyone. I have never been injured. I haven’t even had a needle in my body. I am trying to answer the allegations against me. What was the third allegation? [The Personnel Representative responded to the Detainee: “You were placed in charge of the Taliban office and you worked as Chief of the Taliban office.”]

[The Detainee continued his statement]:

I was never in charge, I have never been there, and I have never worked for them. I have already told you the story, and I will tell you again. I was poor. I left my house to look for work. I went to work in the hotel I had in Jalalabad, Afghanistan. I had a partner in the business and a helper. The helper was in training. My partner and I had a dispute over this trainee. My partner told me he wasn’t going to do business with me

anymore. He was going to sell the property, take his share of the money, and get out. You asked me for evidence regarding this. You swore me in the name of Allah that I will tell the truth and now there is no one who will witness this for me from Afghanistan. No one wants to go through all the trouble to here. I don't have a witness here or anyone to testify for me. The only thing I have is my word. I can give you an address and you can contact and verify everything from the people that came out to the house. You tell me it is impossible for me to bring in a witness from Afghanistan. You can call a neighbor and verify that I had a business and was working over there. For example, if you call my neighbors they will tell you I was selling sandals, then that will prove I was right.

I will tell the real story now. For almost two years I was in the hotel business. At the intersection called Palashi. My business was across from the customs door. There was a guy named Ali Jahn that worked in the customs office. Other Taliban officials that worked there came to our hotel and eat. Ali Jahn told me he was my countryman from the North. We got acquainted when he came to get food for his guests. When my partner and I got in a dispute over the hotel, my partner told me he was going to sell everything and split the proceeds. I asked him not to sell everything. We had been here for two years and had spent a lot of money on the hotel. I ask him to make a deal. I asked Ali Jahn's advice about what to do with the business. Ali Jahn said not to sell everything at once. We should first find out what the prices were and continue from there.

[The Translator clarified that a "hotel" actually refers to what Americans would call a restaurant]

Based on the prices, my partner would give me money. I could then go home, take care of business there, then come back and get the rest of my money. My partner said he would sell everything at the original purchase price, not the used price. I told my partner it was hard for me here because I didn't know anyone. My partner told me he was going to find another partner for me. My partner found someone from the customs office. I made a list of everything; it was worth about three hundred and seventy or three hundred and eighty thousand in Afghani money. My new partner gave me half the money and told me to continue working at the hotel. He didn't know anything about running the business. There were businesses across from us that would fry things in a big bowl. For one kilo of meat, they would profit one hundred thousand Afghani rupies. I decided I was also going to use a big bowl to fry things. The other businesses got angry when they saw I was using their idea. They thought I was going to take all of their business. If I started the business the way I had planned, I would have sold one hundred kilos of meat each day, which would have been equivalent to one hundred thousand Afghanis. About one hundred dollars per week. The person working with me was my handyman. As I was trying to start this business, the handyman disappeared. I went after him and crossed the Torhan Boarder, which is between Pakistan and Afghanistan. I went to Pashwar and looked for him for a week. When I couldn't find him, I came back. That was the main road and next to the main road was the sidewalk and next to the sidewalk was the customs office.

[A Tribunal member interjected: "For the purpose of the record, the Detainee was describing the layout of the land he was drawing a picture on the floor for the benefit of the Tribunal members. He was explaining his business location in reference to the sidewalk.]

[The Detainee continued]: I swore and promised I would tell you the truth. If I am not a criminal and I haven't committed any crimes, why are my hands handcuffed? In Afghanistan, there are people who will sell people for money. They use the name boss and whatever name they used to hand me over; you will find out why. This is my true story and I am going to tell it. When I came back all the other shops joined in filed a claim against me at City Hall. The government closed my business. Joining the Taliban is very hard. The shops around me looted all my goods from my business. They told each other I had skipped town. I contacted the security office and reported the incident. The shop owners went to the Security Commander with their families and stated they had not looted my store. They told the Commander the Taliban ruined my business. Each shopkeeper admitted they had taken one or two items from my shop. They told the Commander they were safeguarding the items until I got back. The shopkeepers also said if they had to go to prison for this, then their wives and children would be left alone without income. The Commander told me and the other people in the dispute to resolve our issues amongst ourselves, wasn't going to do anything about it. After a month of trying to resolve this, I hadn't got anything back from them. It was the month of Ramadan and I didn't have any money to buy food. My two years of hard work and effort went to waste. I went back to Ali Jahn and told him the story. My new partner said because I opened an illegal business, I should give him his money back. Another person told my partner I was a poor guy and that he wouldn't be able to get anything from me. They gave me a job in the customs office as a laborer so I could pay my partner back. I was sponsored by another person, so I could work at the customs office. My other partner was involved in security and told them I was a good guy and to do business with. Ali Jahn assured them I was okay to work with. I was a laborer for six or seven months. One of my friends took the money I earned and paid the people I owed. It was hard work. I got depressed every day. I ended up getting sick. After four months my partner gave me some of my money back and told me to keep it for myself. In those last four months I collected about nine to fifteen thousand dollars (inaudible). I was sad and went to Mazar-e-Sharif without permission from Ali Jahn. I owed a lot of people in Mazar and where I am from. I decided I would stay in Mazar and work.

After saving money I planned to return to my village. I rented a little shopping space near an intersection under an apartment complex. I would buy pairs of sandals and sell them in my shop. I had customers who purchased sandals from me everyday. I never earned less than five hundred thousand a day and sometimes earned up to fifteen hundred thousand a day. I would buy forty dozen and I would make a hundred thousand per dozen for the sandals I sold. I was sitting with some friends when a couple of Talibs showed up. They asked me where I was from and what type of business I was doing. I was surprised and suspicious. I wondered why he was so kind and why he asked me what I was doing and how was my business? I thought maybe he had seen me someplace

before. I was very excited to go back to my village. I had collected some money and I could pay back some of the people I owed. He asked me if I had worked in any other province of Afghanistan? And, what kind of work had I done? I was surprised by his questions.

[Tribunal member]: I don't understand. Who came and asked him these questions?

[Detainee]: The Talibs came in and asked him the questions. One of the Talibs took a letter out of their pocket and asked me to read it. The letter said to report to the First Regional Intelligence Office as soon as possible. I was afraid after I read the letter. I told them to wait a minute. I wanted to tell my friends and take care of my business before I left. They told me I had to leave now. I told the interrogators this the first time I spoke with them. For some reason, the interrogators misunderstood what I told them. I have told you the true story. When I got in the taxi with them to leave, they asked me if I knew Ali Jahn? When I got to the office, they told another person to take me underground. It was a two-story building with a basement. When they took me downstairs, one side of the floor was covered in dirt and the other side was covered with empty bullet shells. They left me there alone for a long time in the dark. After dark, the recorder (the person who puts names in the book) finally showed up. They told me their boss was "pissed off" with me. I was told to talk or I was going to get beat up. I told them to take me upstairs to talk to the boss. He told me he would take me to the boss but I had to promise not to try and leave. I was very young at the time and I didn't have a beard. I was a pretty boy. Ali Jahn had come from Jalalabad to Mazar-e-Sharif. They were all gathered around and he asked me why I skipped out on him after they had sponsored me. I said I was sick and missed my family. They told me they were going to beat me up and send me to Jalalabad to court. I told them I made a mistake and asked what I could do? For one year I had to work as a chef and take care of the people in that building.

[Tribunal member]: In Mazar-e-Sharif?

Detainee: Yes. Ali Jahn told me he was fired from the customs office for trusting everyone. Ali Jahn came to Mazar-e-Sharif and got a job working in intelligence. The next day I would begin working as a chef and servant. Whenever I left the office they would follow me or send a soldier with me. I believe I was there a month and a half before Ramadan.

[The translator asks the Detainee to clarify his last statement]

[Detainee]: I was in Mazar-e-Sharif with Ali Jahn for about a month or month and a half. I didn't stay there very long you can verify that. During Ramadan, Ali Jahn told me he was leaving for fifteen days and I had to stay. I didn't know it, but Ali Jahn had taken a bribe from someone. A few days after Ali Jahn left, people from the Intelligence came and arrested everyone. They took us to the Intelligence office. I don't

know what happen to everyone else, but I was put in a separate room. The next day they asked me what I was doing there? They asked me if I was Taliban? I told them no. They asked if I was a murrah and if I had read the books? I told them no. They asked if I wasn't Taliban or murrah, what was I doing here? They told me I didn't have enough of a beard and that I was a pretty boy. That night, I told them I was Ali Jahn's friend, but I didn't tell them what kind of friend I was. I have never said this to anyone before. They asked me if I knew why I was here? I replied no. In Afghanistan, they ask your name, where you were, and what you did? They told me I was arrested and would have to go to court because Ali Jahn had taken bribes from people. I said to myself, "god what is going on, I went from the dripping to the running water." They kept me with the intelligence officer three days before moving me to a different location. They told me to cooperate and wanted me to work for them. If I didn't they told me I would have to go to court. I asked them what kind of friendship or cooperation did they want? They wanted me to take care of their friends and prepare food and cleanup. I told them I would do this instead of going to court. I was young and they were looking for boys like me and paid good money. When fighting broke out in Sanchara my brothers came to Mazar-e-Sharif with their camels. In Khamerabahn we rented a house in the Taliban area from Agi Ader Reckman. When my boss saw my brother and nephew, who are both young and pretty boys, my boss asked me who they were and why are they here? I am telling you this very hesitantly and this is something that has to be kept a secret because this is a shame in the Afghan culture to disclose this type of information. There were no other motives or anything else going on besides what I am telling you.

I'm not Hadi, I am not a professor and I am not educated. I am just an ordinary person. They gave me a free place to live. After they saw my brother and nephew, they were even more interested in us and asked us to come back and forth to the office. The house we were staying in had lots of rooms with sealed locks. Those locks were checked on a daily basis to ensure they had not been opened. The houses use to belong to the Afghani Army who opposed the Taliban. When the Afghan Army fled the Taliban took the houses. The furnishings for the homes are locked in those rooms. We did not touch any of those items. Every three months people working in the Intelligence office get rotated and new people come in. They gave me a job in the Second District with Abdul Rek Mahl and (inaudible). I worked there for six to seven months and sometimes we worked at different locations. There were rumors between the workers that I was the new boss' lover. I bought a car and every couple of months we would get to see our family. We had very little to do and we weren't quite sure of our positions or duties. We would go there for a couple hours a week and sign papers. After working for about five or six months they were toppled.

I told the interrogator in detail what happened during that time. This is my story and you guys must decide whether or not I am a criminal. I am not aware nor have I committed the charges against me. If you want to verify what I have told you, I can provide addresses. I am finished and if you have any questions, I will answer them.

[The Tribunal President asked the Personal Representative if he had any other questions for the Detainee.]

[Detainee]: No Sir. Thank you for your attention and listening to my story.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you worked for the Taliban as a chef, did you consider yourself a Tali?

A. Where was I a chef?

Q. In Mazar-e-Sharif in the Intelligence Office.

A. I was a chef at my hotel. At Mazar-e-Sharif I wasn't only a chef, I also took care of cleaning and serving. I wore the same clothes as the Taliban, so no one could tell if I was or wasn't Taliban.

Q. Did they consider you Talib?

A. Who?

Q. The Talib you were working for?

A. No, they didn't consider me Taliban. I wasn't educated. They knew I wasn't Taliban.

Q. Why do you think they treated you so well?

A. I don't know. The big boss was the only one that treated me well. I can't tell you what was on his mind or what his motives were.

Q. I'm sure you can understand that if you dressed like them, they gave you a nice house for your family, you made enough money to have a car that others might consider you Talib?

A. They didn't buy me a car and it's not unusual for them to bring a chef in to work for them. It is not unusual for them to pick someone off the street and bring them there. I told you before I got there when I was a very young boy and I don't know why they were nice to me.

Q. You state that it was an Intelligence office you were working at. Did you ever witness intelligence or military operations?

A. I have already told the interrogator everything. It will take me a long time to tell you everything again.

Q. That's all right. Did you ever consider yourself a prisoner of the Taliban?

A. I wasn't physically in handcuffs but because I was watched all the time I felt mentally and psychologically I was a prisoner. Before my family came back from Sanchara, I wasn't able to leave. Once my family returned, they were more assured I wouldn't leave.

Q. They treated you rather well for being a prisoner. Did you agree to work with them?

A. You are right. They did have an ulterior motive. I can't exactly tell you what they wanted, but you should have been able to figure it out by now. I know they had a reason for treating us well.

[The Tribunal President asks the Detainee if he had any other statements or evidence to present to the Tribunal.]

[Detainee]: I told the interrogator there was no other way for me to provide any type of proof unless you can bring me someone who has worked with me or knows me. Otherwise there is nothing else. The interrogator told me it is not American justice to sit two prisoners face to face to talk for or against each other. I see in your justice system you are very educated, smart and reasonable and you should unite us. The tensions between the people over here are going to continue unless you do something about it. You are wasting your time on these people. If you have evidence against us, you need to show us and prove it. If not why are we here and our families over there? You are wasting our time over here. There is no benefit by keeping us here. By keeping us here and having us face to face will only add to the animosity and deepen the hatred. No one will provide any evidence for or against me or anyone else here.

Q. Do you have any other evidence to present to this Tribunal?

A. No.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. I have one statement to back up. The fact the Tribunal member asked a question and I can reiterate the answer. In regards to the unclassified summary A-2 the Detainee did consider himself to be a prisoner when he worked in that office. I have that information in my notes.

[Detainee]: After I took the oath, I will not tell you anything different. I swore to God and I told you the entire story and now it is up to you guys to make the decision. I am from Afghanistan and if you ask the people there, they will confirm what I have told you is the truth. I have lots of friends in Mazar-e-Sharif who know me from my sandal shop. You can contact them and they will confirm my story. Yasam Ghoreaei is the man who

sold me the sandals. He can check his book and confirm my story. His shop is at the very end of the street.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

  
\_\_\_\_\_, Col, USAF

Tribunal President

Unclassified

**Combatant Status Review Board**

8 September 2004

TO: Personal Representative

FROM: OIC, CSRT

Subject: (U) Summary of Evidence for Combatant Status Review Tribunal –  
RAHMAN, Fazil

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of the Taliban. He engaged in hostilities against the United States or its coalition partners.

a. The detainee is a Taliban fighter:

1. The detainee admitted he worked for the Taliban government in Afghanistan.
2. The detainee was placed in charge of the Taliban Office of Intelligence, Division #2 in Mazar-e-Sharif, Afghanistan.
3. The detainee worked as chief of the Taliban Office of Intelligence for five to six months.
4. The detainee's duties included providing security as a guard for the Taliban Office of Intelligence building in Mazar-e-Sharif.
5. The detainee was in charge of his section of the office and had two people working for him.

b. The detainee participated in military operations against the coalition.

Unclassified

Page 1 of 2  
2505  
EXHIBIT R1

Unclassified

1. The detainee sustained shrapnel wounds on his wrist and shoulder from some time in 2000.
2. The detainee was captured by General Dostum's Northern Alliance forces.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Unclassified

Memorandum



To : Department of Defense Date 09/07/2004  
 Office of Administrative Review  
 for Detained Enemy Combatants  
 Col. David Taylor, OIC, CSRT

From : FBI GTMO  
 Counterterrorism Division  
 OSC [REDACTED] 9/7/04

Subject: REQUEST FOR REDACTION OF  
 NATIONAL SECURITY INFORMATION  
 (ISN 496)

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 496 have been redacted by the FBI and provided to the OARDEC:

- FD-302 dated 05/04/2002
- FD-302 dated 05/31/2002
- FD-302 dated 08/04/2002
- FD-302 dated 08/29/2002
- FD-302 dated 09/22/2002/3 *to 21 Sep 04*
- FD-302 dated 10/07/2002
- FD-302 dated 10/11/2002

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/07/2004

If you need additional assistance, please contact On  
Scene Commander [REDACTED]  
[REDACTED] or Intelligence Analyst  
[REDACTED]

DETAINEE ELECTION FORM

13 Sep 04  
Schedule  
Final  
interview  
Tribunal

Date: 13 Sep 04

Start Time: 0902

End Time: 0953

ISN#: 496

Personal Representative: [REDACTED] - Lt Col  
(Name/Rank)

Translator Required? YES Language? FARSI

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

Detainee wants to participate.  
Very cooperative.  
Will give BOTH ORAL and written  
statements, under oath.

Personal Representative: [REDACTED]

## Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #496

I have no comments.

My comments are attached.

Date: 27 Sep 04

  
Lt Col. , USAF  
Personal Representative

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NASIR MAZIYAD ABDALLAH )  
AL QURAYSHI AL ASUBAYI, )  
 )  
Petitioner, )  
 )  
v. ) Civil Action No. 05-1453 (RMU)  
 )  
GEORGE W. BUSH, *et al.*, )  
 )  
Respondents. )  
\_\_\_\_\_ )

**DECLARATION OF TERESA A. McPALMER**

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information, and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.
2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Nasir Maziyyad Abdallah al Qurayshi al Asubayi that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order

to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 18 October 2005

Teresa A. McPalmer

Teresa A. McPalmer  
CDR, JAGC, U.S. Navy



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0356

08 NOV 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 497

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # 497 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

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Department of Defense  
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED], Commander, JAGC, U.S. Naval Reserve;  
Member (JAG)

[REDACTED], Commander, U.S. Navy; Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy

2 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 497Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #13 of 4 October 2004  
(2) Record of Tribunal Proceedings

1. A legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:
  - a. The detainee was properly notified of the Tribunal process. His lack of cooperation indicated that he was not willing to participate in the Tribunal proceeding.
  - b. The Tribunal was properly convened and constituted by enclosure (1).
  - c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3 and R-7 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
  - d. The detainee did not request witnesses.
  - e. The Tribunal's decision that detainee # 497 is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and affirmatively declined to submit comments.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.

T. A. McPALMER  
CDR, JAGC, USN



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

22 October 2004

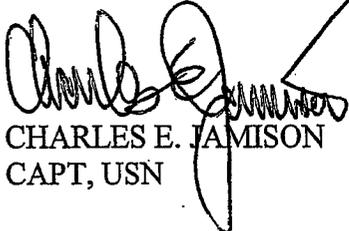
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 497

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].

  
CHARLES E. JAMISON  
CAPT, USN

**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #13  

(U) ISN#:   497  

Ref: (a) (U) Convening Order for Tribunal #13 of 4 October 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~) N/A  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 19 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #497 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, the Taliban, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL: \_\_\_\_\_ #13  
ISN #: \_\_\_\_\_ 497

### **1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

### **2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with the Taliban. The Detainee is a Saudi national who heard a Fatwa requesting volunteers to prepare for jihad by attending a training camp in 2001. The Detainee traveled from Saudi Arabia to Afghanistan just prior to September 2001. The Detainee attended the [REDACTED] training camp near Kandahar, Afghanistan, and was trained to use the AK-47 rifle. The Detainee participated in military operations against the United States or its coalition partners. The Detainee traveled from the [REDACTED] training camp to Kandahar, Afghanistan and eventually ended up in Jalalabad, Afghanistan, where there was fighting with the Northern Alliance. The Detainee returned to Kandahar, and after the U.S. bombing began, The Detainee was issued a Kalashnikov rifle and fled to the Tora Bora mountains with a large group of individuals. While in the Tora Bora mountains, the Detainee was wounded and transported to a hospital in Kabul, Afghanistan, where he was arrested and transferred to a prison in Kabul, Afghanistan. The Personal Representative asked the Detainee if he wanted to participate in the Tribunal. The Personal Representative verified the correct language (Arabic) was used by the Translator, who in turn asked the Detainee of his willingness to participate in the Tribunal. The Detainee would not answer any questions, only rambled. Due to the Detainee's uncooperative and unresponsive behavior, along with his arrogant and belligerent demeanor, the Personal Representative could only conclude that the Detainee refused to participate. The Detainee did not request any witnesses nor did he request any classified or unclassified documents be produced. The Detainee's sole unsworn statement to his Personal Representative was that all evidence against him was false.

### 3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-11.
- b. Testimony of the following persons: N/A
- c. Unsworn statement of the Detainee to his Personal Representative.

### 4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

Because of the Detainee's unwillingness to answer questions by his Personal Representative, the Detainee did not request any witnesses nor did the Detainee request any additional evidence be produced, therefore, no ruling on these matters were required.

### 5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn statement to his Personal Representative that all evidence against him is false.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

### 6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

**7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. By the Detainee's refusal to answer questions regarding participation in the Tribunal, the Personal Representative concluded that the Detainee declined to participate, as indicated in Exhibit D-a.
- c. The detainee is properly classified as an enemy combatant and is a member of, or affiliated with, the Taliban.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covers the signature of the Tribunal President.

Colonel, U.S. Army  
Tribunal President



UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (27 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal – ASUYBAYI, Nasir Mazaid Abdullah.

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the detainee is associated with the Taliban and participated in military operations against the United States or its coalition partners.
  - a. The detainee is associated with the Taliban:
    1. The detainee is a Saudi national who heard a Fatwa requesting volunteers to prepare for jihad by attending a training camp in 2001.
    2. The detainee traveled from Saudi Arabia to Afghanistan (AF) just prior to September 2001.
    3. The detainee attended the [REDACTED] training camp near Kandahar, AF, and was trained to use the AK-47 rifle.
  - b. The detainee participated in military operations against the United States or its coalition partners:
    1. The detainee traveled from the [REDACTED] training camp to Kandahar, AF, then to Kabul, AF and eventually ended up in Jalalabad, AF, where there was fighting with the Northern Alliance.
    2. The detainee returned to Kandahar, and after the US bombings began, he was issued a Kalishnikov rifle and fled to the Tora Bora Mountains with a large group of individuals.
    3. While in the Tora Bora Mountains, the detainee was wounded and transported to a hospital in Kabul, AF, where he was arrested and transferred to a prison in Kabul, AF.

UNCLASSIFIED

Page 1 of 2  
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Exhibit RI

UNCLASSIFIED

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

Page 2523 of 2

UNCLASSIFIED

Memorandum



To : Department of Defense  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

Date 09/23/2004

From : FBI GTMO  
Counterterrorism Division  
Asst. Gen. Counsel [REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 497 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 03/17/2003  
FD-302 dated 05/13/2003

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<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Page 1 of 2  
2524

Exhibit R2

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/23/2004

If you need additional assistance, please contact  
Assistant General Counsel [REDACTED]

[REDACTED] Intelligence Analyst [REDACTED]

[REDACTED]  
Intelligence Analyst [REDACTED]  
[REDACTED]

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 21 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #497.

I have no comments.

My comments are attached.

 LTC, USAF

Name

21 OCT 04

Date



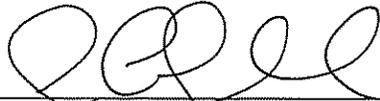
Signature



attached hereto. I have redacted any information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

3 October 2004

FOR OFFICIAL USE ONLY

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

FOR OFFICIAL USE ONLY

2 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #6 of 13 September 2004  
(2) Record of Tribunal Proceedings

1. A legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate in the Tribunal proceedings. At the Tribunal, the detainee's Personal Representative made an unsworn statement on the detainee's behalf and at his request.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3 and R-4 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

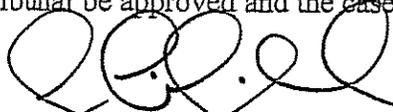
d. The detainee made no requests for witnesses or other evidence.

e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN

UNCLASSIFIED

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Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

---

MEMBERS:

---

[REDACTED], Colonel, U.S. Army; President

[REDACTED] Commander, JAGC, U.S. Navy; Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Marine Corps;  
Member

---

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

29 September 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

  
DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:     #6    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #6 of 13 September 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Statement of Detainee through Personal Representative (U/FOUO)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 25 September 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Al Qaida forces, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: \_\_\_\_\_ #6  
ISN #: \_\_\_\_\_

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of Al Qaida forces. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The Tribunal held this hearing on 25 September 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates that the detainee: voluntarily traveled from Sanaa, Yemen, to Afghanistan; attended the Al Farouq training camp in August 2001; was captured with other members of his training squad from the Al Farouq training camp; and, advised that he should be considered a threat to the United States. The Recorder called no witnesses.

The detainee chose not to attend the Tribunal as reflected in the Detainee Election Form (Exhibit D-A); however, he did ask the Personal Representative to tell the Tribunal that nothing in the Unclassified Summary of Evidence is true.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-18. The Personal Representative presented no classified evidence. Both the Recorder and the Personal Representative commented on the classified exhibits.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-18 and D-A.
- b. Testimony of the following persons: None.

- c. Unsworn Statement of the detainee (through the Personal Representative):

See Enclosure (3) to the CSRT Decision Report.

#### **4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses**

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

#### **5. Discussion of Unclassified Evidence**

The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Because there was no other unclassified evidence for the Tribunal to consider other than the Personal Representative's denials of the assertions on the Unclassified Summary of Evidence on behalf of the detainee (see Enclosure (3) to the CSRT Decision Report), the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

#### **6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

#### **7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

- b. The Personal Representative informed the Tribunal that the detainee understood the Tribunal process, but chose not to participate, as indicated in Exhibit D-A.

- c. The detainee is properly classified as an enemy combatant because he was part of Al Qaida forces.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army  
Tribunal President

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SUMMARIZED STATEMENT BY PERSONAL REPRESENTATIVE ON  
BEHALF OF THE DETAINEE

Although the detainee elected not to participate in the Tribunal process, as indicated on the Detainee Election Form (Exhibit D-A), he asked his Personal Representative to verbally provide information to the Tribunal. The information addresses each point on the Unclassified Summary of Evidence in order. To put the comments into context, the points from the Unclassified Summary of Evidence are provided below in *italics*. The following summarizes the Personal Representative's presentation of the detainee's information.

*3.a. The detainee was associated with Al Qaida.*

*1. Detainee voluntarily traveled from Sanaa, Yemen to Afghanistan.*

Personal Representative: It is not true. I am not associated with Al Qaida.

*2. Detainee attended the Al Farouq training camp in August 2001.*

Personal Representative: This is not true. I never attended any training at the Al Farouq training camp in August. I was in Afghanistan, but not at that training camp.

*3.b. The detainee participated in military operations against the coalition.*

*1. Detainee was captured with other members of his training squad from the Al Farouq training camp.*

Personal Representative: This is not true. I surrendered myself in Jalalabad, Afghanistan. I was alone. I went to the Afghani authorities because I wanted to go back to Yemen and I wanted their help in doing so. I was not with any member of any kind of training squad from Al Farouq.

*2. If released, detainee advised that he should be considered a threat to the United States.*

Personal Representative: This is absolutely false. It is outrageous. I never said such a thing as I would harm or threaten the United States.

Tribunal President: Personal Representative, do you have any other evidence to present to this Tribunal on behalf of the detainee?

Personal Representative: No, Ma'am.

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Tribunal Member: I have a question for the Recorder. I noted when you read allegation 3(b), you said, "The detainee was captured in the Tora Bora region with other members of his training squad from the Al Farouq training camp."

Recorder: Yes, Sir.

Tribunal Member #1: My copy and the other Tribunal Members' copies of the Unclassified Summary do not have "in the Tora Bora Region."

Tribunal Member #2: Correct. Also in 3(a)(1), "August 2001" was mentioned, but I don't have "August 2001," as well.

Tribunal Member #1: I just want to make sure what the detainee saw is what we have here.

Recorder: Sir, to clarify, I'd like to say 3(a)(1) says, "Detainee voluntarily traveled from Yemen to Afghanistan."

Tribunal Member: Okay.

Recorder: 3(a)(2) says, "The detainee traveled from Al Farouq training camp in August 2001."

Tribunal President: Hold on. Our copies read 3(a)(2), "the detainee attended the Al Farouq training camp in August 2001."

Recorder: That is correct Ma'am. I was in error.

Tribunal President: Okay.

Recorder: 3(b)(1), "The detainee was captured with other members of his training squad from the Al Farouq training camp." 3(b)(2), "If released, the detainee advised he should be considered a threat to the United States."

Tribunal Member: Personal Representative, is that what you and the detainee saw, too?

Personal Representative: Yes, Sir.

Tribunal President: The detainee responded to each one of those allegations?

Personal Representative: That is what I read. Yes, Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

ISN [REDACTED]  
Enclosure (3)  
Page 2 of 3

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2538

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Army  
Tribunal President



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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (8 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - RABEII, Salman Yahya Hassan Mohammed

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates you are a member or associate of al-Qaida.
  - a. The detainee was associated with al-Qaida.
    1. Detainee voluntarily traveled from Sanaa, Yemen to Afghanistan.
    2. Detainee attended the Al Farouq training camp in August 2001.
  - b. The detainee participated in military operations against the coalition.
    1. Detainee was captured with other members of his training squad from the Al Farouq training camp.
    2. If released, detainee advised that he should be considered a threat to the United States.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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T RI 2541 EXHIBI

Memorandum

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To : Department of Defense Date 09/09/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
OSC [REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/26/2002  
FD-302 dated 08/19/2002

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

UNCLASSIFIED

Γ RZ 2542 EXHIBIT

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/09/2004

If you need additional assistance, please contact On  
Scene Commander [REDACTED]  
[REDACTED] or Intelligence Analyst  
[REDACTED]

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### Personal Representative Review of the Record of Proceedings

I acknowledge that on 27 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED] LCOR USN  
Name

27 Sep 04  
Date

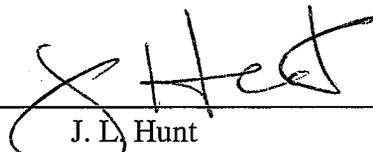
[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)



I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 23, 2005

  
\_\_\_\_\_  
J. L. Hunt  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0351

18 NOV 2004

From: Director, Combatant Status Review Tribunal

Subj: REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 509

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #509 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in black ink, appearing to read "J. M. McGARRAH".

J. M. McGARRAH  
RADM, CEC, USN

Distribution:

NSC (Mr. John Bellinger)  
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OARDEC (Fwd)  
CITF Ft Belvoir

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15 Nov 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 509Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #13 of 4 October 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

a. The detainee was properly notified of the Tribunal process and made a sworn statement at the Tribunal.

b. The Tribunal was properly convened and constituted by enclosure (1).

c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-3 and R-4 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.

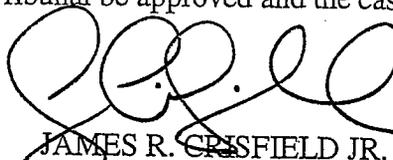
d. The detainee requested no witnesses nor did he request any classified or unclassified documents be produced. He presented two letters as evidence at the Tribunal.

e. The Tribunal's decision that detainee # 509 is properly classified as an enemy combatant was unanimous.

f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

4 Oct 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #13

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED], Commander, JAGC, U.S. Naval Reserve;  
Member (JAG)

[REDACTED], Commander, U.S. Navy; Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Navy



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

5 November 2004

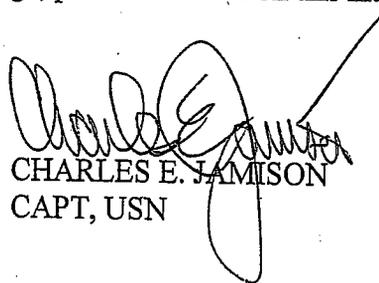
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 509

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].

  
CHARLES E. JAMISON  
CAPT, USN

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL:           #13            
ISN #:           509          

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is an associate of the Taliban or al Qaida. The Detainee traveled to Afghanistan in August or September 2001. The Detainee attended the [REDACTED] training camp. The Detainee was trained on the Kalishnikov, Siminoff, and single shot rifle at the [REDACTED] training camp. The Detainee stayed at a house in a Taliban camp. The Detainee participated in hostilities against the United States or its coalition partners. The Detainee fought for the Taliban in Afghanistan. The Detainee was in Afghanistan during the U.S. bombing campaign. The Detainee fled to Tora Bora and was subsequently captured. The Detainee chose to participate in the Tribunal process. He called no witness, however, he requested two unclassified documents which he produced be included in the record, and made a sworn verbal statement. The Tribunal President accepted the unclassified documents provided by the Detainee to be included in the record. The Detainee, in his verbal statement, denied being a Taliban member.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-c and R-1 through R-12.
- b. Testimony of the following persons: n/a
- c. Sworn statement of the Detainee.

#### 4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses be produced for the hearing. The Detainee provided two unsworn letters from his sisters for inclusion in the record and the Tribunal President accepted them.

#### 5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's sworn testimony and the unsworn statements contained in Exhibits D-b and D-c. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee testified that he was recruited to go to Afghanistan to teach Koran at a mosque in Yemen and that he was given money and directions from a man in Yemen. The Detainee stated that he went to Afghanistan and trained at a camp near [REDACTED], but not at [REDACTED]. He trained so he could protect himself since Arabs were in danger in Afghanistan. The Detainee said that he was not Taliban or al Qaida and that he couldn't be a fighter because he was so old. The Detainee stated that he gave his passport and tickets to someone to hold and that he tried to get them back after the US began the bombings so he could go home. Exhibits D-b and D-c are personal letters from the Detainee's sisters, both of whom said the Detainee was not a terrorist.

The Detainee made an allegation of physical mistreatment while he was in detention in Kabul, Afghanistan at the hands of his Afghani captors before he was turned over to US custody. The Tribunal President made inquiry of the Detainee to note his statements about such alleged mistreatment. The Tribunal President has caused these allegations to be reported to the chain of command.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

**6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

**7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He clearly understood his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida, and was part of or supporting the Taliban.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army  
Tribunal President

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #13  

(U) ISN#:   509  

Ref: (a) (U) Convening Order for Tribunal #13 of 04 Oct 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

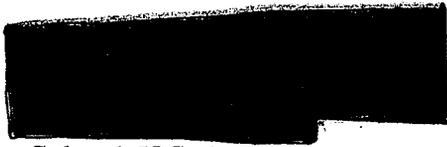
Encl: (1) (U) Unclassified Summary of Basis for Tribunal Decision (U/~~FOUO~~)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/~~FOUO~~)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U/~~FOUO~~)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 25 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #509 is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida and was supporting the Taliban, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Army  
Tribunal President

Summarized Sworn Detainee Statement

*Personal Representative advises the Tribunal Panel that he met with the Detainee and was asked by the Detainee to make an oral statement for him based on that interview. The Personal Representative will read each statement and read the Detainee's response to each point. The Detainee will elaborate after each response. The Personal Representative also advises the Tribunal that the Detainee wishes to submit two letters written by his sisters (D-b, D-c). Summary of the letters confirm he is not a terrorist and went to Afghanistan to teach the Quran to children.*

- 3(a)      **The Detainee is an associate of the Taliban or al Qaida.**

*Firstly, I am not from al Qaida or Taliban. I am denying all that is being said. All the stuff you have on me, I have provided to you. What did I say for you to come to this conclusion? Would al Qaida look for fighters that are 59 years old? This is unbelievable and it doesn't make sense. But if you come to this conclusion from what I had said about desiring to become a teacher in Afghanistan, then you must come to the conclusion that all the Muslims that desire to carry out their duty to God, no matter what it is, whether it be teaching Quran to children, or helping the poor, or bringing people to the religion, should be considered al Qaida or Taliban. I told you that I went to Afghanistan to teach the Quran to children. Because all over the world there are Muslims who leave their money, wife, children, wealth for several years for the call for Allah only to seek the reward from Allah. This is our faith.*

The summary of it all is that I am not associated with al Qaida or the Taliban. Everyone has a brain to use to determine things. War needs strength, it needs a man who can move around quickly, lift things, carry things and climb mountains especially in Afghanistan. I am asking you now; do any of these things fit me? A sick man, 59-year-old man. Leave his country, his land, and his family to go to Afghanistan to lift things, carry things, run around and climb mountains. This does not make complete sense.

- 3(a)(1)      **The Detainee traveled to Afghanistan in August or September 2001.**

*I don't recall exactly – At approximately the end of July to the beginning of August, I went for the purpose of teaching. I am not a fighter. I went there to teach eight days after I got to Afghanistan, I met a man: he's the one who told me that Arabs here are considered to be helpers to the Taliban, and that all Arabs were subject to danger at any moment. I was told that all Arabs were in danger and you have to defend yourself and get*

*training on weapons. When I heard this, I asked for my passport back because I came here to teach and not killing. I asked for it back several times, in Jalalabad, Kandahar and Tora Bora.*

I have a question. Is traveling to Afghanistan forbidden? You have it written down as an accusation that the Detainee traveled to Afghanistan. What if I traveled to Afghanistan? There is no law forbidding travel there. If there was I would not of traveled there.

*The Tribunal President states that it is simply a statement on the Unclassified Summary.*

In Yemen, if there is a problem with any country, then Yemen forbids travel to that country. If travel to Afghanistan were forbidden then Yemen would have stated travel is forbidden.

- 3(a)(2) The Detainee attended the [REDACTED] training camp.

*I trained near the [REDACTED] training camp, in a place called [REDACTED] which is not the same place that other trainees were. I could see the [REDACTED] camp, and all the tents, but I could not go in. And at most, the period was 20 days. Then after that we left the camp and returned to Kandahar.*

I agreed to go to [REDACTED] after I asked for my passport back. As I said, I did not go there to kill, I went to teach. There are enemies of the Taliban over there. These people consider all Arabs in Afghanistan to be helpers of the Taliban. All Arabs were subject to danger. Some things may happen that were not expected, so you should learn how to defend yourself. At the most the period was about a week. I agreed because they had my passport and plane tickets. I kept asking to my passport and ticket.

- 3(a)(3) The Detainee was trained on the Kalashnikov, Siminoff, and single shot rifle at the [REDACTED] Training camp.

The Siminoff is the same as the single shot rifle, they are the same thing. They are not separate. There are no other weapons, just those two.

*I mentioned to them that there was a guy named [REDACTED] he used to come in the morning in the tent I slept in and he showed me how to use the Kalashnikov and the Siminof. He did that for on hour a day for about 13 or 14 days out of the 20 that I was there.*

- 3(a)(4) The Detainee stayed in a house in a Taliban camp.

*I was not staying in a Taliban house. I stayed in a room in a house in Kandahar. As I said, it was not in a camp and not with the Taliban, but in the city of Kandahar.*

In Kandahar, I was in a room in a house. In Jalalabad when my feet were hurting, they sent us to a room near a Taliban camp. We would go there until someone would come for us and a doctor could treat my leg.

- **3(b)(1) The Detainee fought for the Taliban in Afghanistan.**

*Not true. I never carried a weapon.*

Yes, this is not true. I have never carried a weapon. I have never fired bullets at anyone, so how could I have been fighting. If there is any proof, I am sure it is not true.

- **3(b)(2) The detainee was in Afghanistan during the U.S. Bombing campaign.**

*Yes, because I could not leave, because I did not have my passport or plane ticket with me.*

If you look at my file and the interrogations, you will find that I mentioned this several times. I asked for my passport, plane ticket and money several times. I did not want to teach, I did not want to do anything anymore. They were full of promises, but would not give me back my passport. They said they would send for my passports and give people their passports back. They never gave my passport back, and I could not leave because I didn't know anyone in Afghanistan or not in Afghanistan.

- **3(b)(3) The Detainee fled to Tora Bora and was subsequently captured.**

*I turned myself over to the Afghans. By reason, by logic, anyone who fights against Afghans and surrenders voluntarily would surely, 100% be killed. But, I am not a fighter and this is why I surrendered myself to the Afghans. The Afghans detained us for a month then handed us over to the Americans. Because they wanted me to admit that I was a fighter, they would beat me during the interrogations. I've been saying for two years that I am not an enemy of the United States or any other person and I am not a terrorist like you claim. Any person that has terrorist or extremist tendencies would have indicated this in their home country. There would have been problems with them in their country. They would either criticize the government or they would commit terrorist acts against the country or anything else. But I never entered a police station, I have no animosity towards*

*any person, related to religion or not. If a man had never had a problem with any other person or with the government, it is inconceivable that between night and day he would become a terrorist or criminal. If the government of Yemen didn't want us to go to Afghanistan, or any other country, then they should have prohibited it on the passport in writing or put a sign up in the passport office stating that you are not allowed to travel to the following countries.*

The last words might imply that I am accusing the Yemeni government, but I am not. I am saying that the government of Yemen is innocent of anything because if it was forbidden to travel to Afghanistan then the government would have stated that it was prohibited to travel to Afghanistan but they did not because it was not forbidden. Like I said, it was standard practice of the government of Yemen to document on the passport that travel to any country was prohibited for its citizens. In the beginning it is written that the detainee fled to Tora Bora. I was in Jalalabad. They said those opposed to the Taliban should go to Jalalabad. All Arabs should go anywhere except for Jalalabad. Any Arab opposing the Taliban would be killed if they went there. So what do you think? Should I have stayed in Jalalabad or try and escape? They would kill me if I stayed, me or any other Arab. I decided to flee. I didn't know where to go. I didn't know anyone else except for Arabs, so I went where they were going. They are the ones who could help me get my passport and help me flee into Pakistan. The summary of everything that has happened until now is that I am not an enemy of the United States or any other person. I am not al Qaida or the Taliban.

Questions by the Tribunal Members

- Q: You told us that when you went to Afghanistan, you met a man who was going to get you training on weapons to protect yourself.
- A: Yes, I did meet a man in Afghanistan. He did not train me on weapons. His name is [REDACTED].
- Q: Do you know whom he was associated with? Taliban or al Qaida?
- A: When I came I asked for him. They said he was on the line in Kabul. I don't know what they did on the lines. I don't know if he was fighting with the Taliban or doing something else.
- Q: You are from Yemen?
- A: Yes.
- Q: Can you tell the Tribunal how you traveled from Yemen and how you paid for your travels?

A: I have said this about 100 times during the interrogations, but I have no objection telling it one more time. I met a man at a mosque. He married a woman in Yemen. Someone told him that I did not have a steady job in Yemen. He said that I could help you find comfortable work in Afghanistan. So he asked if I would like to do that and I could help him. They asked me and I agreed. I did not imagine the size of the problem in Afghanistan. I am a man that does not have any political concerns or interests. He gave me money. I went to the passport office, I got an official passport. I went to Sanaa and went to the airport. You can verify that I traveled from the airport in Sanaa on the same passport with the same name that you have in front of you.

Q: Other than receiving the training for 20 days in Afghanistan, have you had any other military training?

A: I was the 1<sup>st</sup> Class National Defense for Yemen. It was training only on the Kalashnikov, that is it. You can ask the country if the National Defense ever trained on anything else other the Kalashnikov. There was none.

Q: How long did you serve in the National Defense.

A: The training is for a month and duty is for one year. After graduating high school, they have to serve for one year. Then they would be guards, traffic police, and serve as guard in the Justice Department or Department of Education.

Q: Who held your passport and tickets in Afghanistan?

A: [REDACTED]

Q: You mentioned [REDACTED], who is he and is he al Qaida or Taliban?

A: [REDACTED] said he was a trainer in the [REDACTED] camp in Afghanistan. A lot of Afghans are present in that camp. The camp is in Afghanistan. I am sure he was a trainer with the Afghans.

Q: What is God's duty?

A: Teaching people about their religion, doing good deeds, to search for God's approval and favor in everything you do and say. Avoiding sin and any bad deeds. That is your duty towards God.

Q: You made a comment about call to Allah, what is that?

A: Muslims are present everywhere. These people that I talked about in the beginning, some of them have said they are called Jamaat al Daawa. These

people leave their wives, children, and money. Some for a few months and some for a few years. Like you, you would do the same thing, calling people to the Christian religion. Missionaries. In India, Pakistan, everywhere. Muslims have the same concept. They follow what God says and draw people that do not believe in anything to Islam. They help the Muslim poor, non-believers in all places. Whoever goes, you don't differentiate between Taliban and non-Taliban. You are going there to teach Muslims whether they are associated with the Taliban or not.

Q: Does this call include the call to Jihad?

A: No. The Jamaat al Tabligh is the farthest thing from Jihad. Their Jihad is the call of God like I just explained. They do not have Jihad as you referred to it, as in fighting.

Q: Jihad to you does not mean fighting?

A: I am not one of those who fight. Like I said, the call to God is not just Jihad, it's not fighting, but it is many things including the call to God. My duty is to teach people their religion. God does not ask something of someone that he or she cannot do. My only duty was to teach the Quran and the book of God.

Q: I understand you are 59 years old?

A: Yes.

Q: Although you may not be able to fight, do you teach others to fight?

A: No. I have never done this my entire life.

Q: Why would you give someone your passport and airline tickets?

A: Muslims do this all over the world. Even if you go to Saudi Arabia and you are dealing with someone they take your passport.

Q: What do they do with it?

A: They keep the passport with them. If you have an agreement to do work, some people are not honest and may steal or not finish their work. That way they have the passport with them.

#### Questions by Tribunal President

Q: Have you traveled very much?

A: No. I stayed in Yemen my entire life. I traveled to Saudi Arabia more than 30 years ago. I stayed there for about a year and eight months, a year and six months, and then I returned to my country. I stayed in Yemen until I left for Afghanistan. I did not move. You can ask my country or you have my address. You can ask the people I lived among. If I had left Yemen for a long time, am I a terrorist?

Q: How long did you plan on staying in Afghanistan?

A: A few years.

Q: This was a long-term plan?

A: No.

Q: You talked about being recruited to teach because you were not working. Does that mean they were paying you to go to Afghanistan to teach?

A: Yes.

Q: Do you know if the Arabs you fled with were members of the Taliban?

A: Where did I escape with them?

Q: When you fled to Tora Bora.

A: In Jalalabad, I know that there are many Arab groups. I knew this in Afghanistan. Even al Qaida. I swear to God that I did not know al Qaida until I went to Afghanistan. In Afghanistan there are Arab groups that have fled from their countries, they are refugees there. Algerians, Libyans. You have powerful intelligence, you may know these things or you can find out more than me. They say the Taliban is non-believers and they forbid any fighting with them. They consider anyone that fights with them non-believers as well. Some Arabs would go and just sit there for a while then return to their countries to say they were doing Jihad, but they were not. Some have escape from their counties. They live in Pakistan and Afghanistan. These people do not have anything to do with Taliban or al Qaida. Some of them are doing relief work, doctors, some are reporters, teachers, they are all there. That's what I knew when I was over there. I was told that guy is a doctor and so on. In Jalalabad it is known which groups are in certain areas. There are many that have nothing to do with al Qaida or Taliban. That is what I know from being in Afghanistan it is not certain. When I was given to the Americans, I decided to speak and tell everything I knew. Not from experience but from what I heard. I talked about everything I heard.

Q: Were the Afghanis that you surrender to part of the Northern Alliance?

- A: I don't know. I was just going in any direction. I didn't know which direction I was going because I didn't know the area. I swear to God that I do not know any part of Afghanistan. If you put me in any one place I would not know where to go. I just started walking in any direction and I met three people. One of them was armed and two were not. I called out to them in Arabic. I told them there were people who were dead and injured but they did not understand me. They found someone that understood a little Arabic. So I told him and he said they would help them. They said they would look for some mules and try to help them. They said they would take us to Pakistan. We stayed with them, then more Arabs arrived; they surrendered and they took us with them to Jalalabad.
- Q: These people that took you to Jalalabad are the ones that beat you? Once turned over to the Americans was your treatment fine then?
- A: Those weren't the ones that were beating me. They took me to prison after about 10 or 11 days they said that a delegation came from Kabul from the Ministry of Defense. They took us from Jalalabad to Kabul to an underground prison. There they would interrogate and beat us. The wounded were also located there.
- Q: You don't know who they were affiliated with?
- A: I don't remember. In Jalalabad there was a man by the name of [REDACTED] But, I don't remember. In Kabul, I don't know.
- Q: In Kabul you were then turned over to the Americans?
- A: They turned us over to Pakistan, then over to the Americans.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[REDACTED]  
Colonel, U.S. Army  
Tribunal President

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**DETAINEE ELECTION FORM**

Date: 21 Oct 2004

Start Time: 1600 hrs

End Time: 1645 hrs

ISN#: 509

Personal Representative: MAJOR [REDACTED]  
(Name/Rank)

Translator Required? YES Language? Arabic

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**-----  
Detainee Election:**

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

Wants to participate and make an oral statement.

Witnesses Requested : 0

Follow-up Required: Yes, but no final.

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Personal Representative: [REDACTED]

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (12 October 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – KHUSRUF, Mohammed Nasir Yahya

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is associated with Taliban or al Qaida and participated in hostilities against the United States or its coalition partners.
  - a. The detainee is an associate of the Taliban or al Qaida:
    1. The detainee traveled to Afghanistan in August or September 2001.
    2. The detainee attended the [REDACTED] training camp.
    3. The detainee was trained on the Kalishnikov, Siminoff, and single shot rifle at the [REDACTED] training camp.
    4. The detainee stayed at a house in a Taliban camp.
  - b. The detainee participated in hostilities against the United States or its coalition partners.
    1. The detainee fought for the Taliban in Afghanistan.
    2. The detainee was in Afghanistan during the U.S. bombing campaign.
    3. The detainee fled to Tora Bora and was subsequently captured.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Memorandum

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To : Department of Defense Date 10/08/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
Asst. Gen. Counsel [REDACTED]

Subject: REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN 509 have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 05/19/2002  
FD-302 dated 06/06/2002

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Exhibit 12

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 10/08/2004

If you need additional assistance, please contact  
Asst. Gen. Counsel [REDACTED]  
[REDACTED] or Intelligence Analyst

[REDACTED]  
Intelligence Analyst [REDACTED]

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Translated Personnel letter from Sister

Even you are far away you are close to our heart and for every person that knows you from before and this is all your sisters and all your brothers say hello to you. And every letter you write it is passed to everyone in the family to read. All of them are waiting for your return. They know about your honesty whatever the accusations they put on you they are not true, we know you went to teach the law of Islam. In the end, we hope you receive this letter and hope you are in good situation and good health. All of us say hello to you. Your sister, [REDACTED]

Exhibit D-b

**In the Name of Allah the Compassionate the Merciful**

Peace and Allah's mercy and blessing upon you. Dear brother, may God expedite your release and those who are with you. May God strengthen your faith and keep you united. My love and respect to you is immeasurable. As the days go by, my love and admiration to you grows. Brother, I want you to know that this is a test from God. Don't you see the suffering of prophets John and Joseph! But at the end, God ended their suffering. Please I ask you to be patient, we will see each other one day. We received three letters from you, they were sent through the Red Cross. We receive all your letters; one of them was sent to [REDACTED] one to [REDACTED]. I would like to tell you about the joy and happiness those letters bring to all of us. God knows how much we miss you. They imprisoned you, even if the whole world call you terrorist, please be patient, it is a lie, I know my brother the whole world is lying, that is because I know my brother, I love you. Finally, I tell you that [REDACTED] is doing fine.  
Sender, your sister [REDACTED]

**Linguist Comments:**

- (1) Allah's peace and blessing on his messenger and prophet Mohammed.
- (2) Peace and Allah's mercy and blessing upon you/family.
- (3) I bear witness that there is no God but Allah, and Mohammed is his servant and messenger.
- (4) God willing.
- (5) All praise due to Allah.
- (6) God the great, and almighty.

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 28 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #509.

I have no comments.

My comments are attached.

Major [REDACTED] USAF  
Name

28 Oct 2004  
Date

[REDACTED]  
Signature

ISN #509  
Enclosure (5)